**South Carolina General Assembly**

125th Session, 2023-2024

**S. 1048**

**STATUS INFORMATION**

General Bill

Sponsors: Senators M. Johnson, Young, Malloy, Setzler, Rankin, Talley, Hembree, Gustafson, Davis and Adams

Document Path: SR-0118JG24.docx

Introduced in the Senate on February 14, 2024

Currently residing in the Senate

Summary: Illegal Furnishing of Alcoholic Beverages Liability

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/14/2024 Senate Introduced and read first time (Senate Journal‑page 5)

 2/14/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 5)

 2/22/2024 Senate Referred to Subcommittee: Malloy (ch), Hutto,
 Campsen, Talley, Harpootlian, Garrett, M.Johnson

 3/27/2024 Senate Committee report: Favorable with amendment **Judiciary** (Senate Journal‑page 15)

 3/28/2024 Scrivener's error corrected

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=1048&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/14/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1048_20240214.docx)

[03/27/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1048_20240327.docx)

[03/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1048_20240328.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

March 27, 2024

S. 1048

Introduced by Senators M. Johnson, Young, Malloy, Setzler, Rankin, Talley, Hembree, Gustafson, Davis and Adams

S. Printed 03/27/24--S. [SEC 3/28/2024 3:24 PM]

Read the first time February 14, 2024

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The committee on Senate Judiciary

To whom was referred a Bill (S. 1048) to amend the South Carolina Code of Laws by adding Section 15‑3‑710 so as to provide the basis for liability for a person or establishment who illegally furnishes, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass with amendment:

 Amend the bill, as and if amended, by striking SECTION 1 and inserting:

SECTION X. Chapter 4, Title 61 of the S.C. Code is amended by adding:

 Section 61-4-585. (A) As used in this section:

 (1) “Alcohol” means beer; wine; alcoholic liquors or alcoholic beverages as defined in Section 61‑6‑20; alcoholic liquor by the drink or alcoholic beverage by the drink as defined in Section 61‑6‑20; or any other type of alcoholic beverage that contains any amount of alcohol and is used as a beverage for human consumption.

 (2) “Licensee” means any person or entity licensed to sell alcohol by the State of South Carolina or any agency or department thereof.

 (3) “Visibly intoxicated” means an individual displayed visible signs and symptoms of intoxication that would have been obvious to a reasonable person.

 (B) A licensee that sells, serves, or otherwise furnishes alcohol to an individual who is at least twenty‑one years old is civilly liable to a third party for actual or punitive damages arising out of the sale, service, or furnishing of alcohol to that individual if:

 (1) the licensee knew or should have known that the individual was visibly intoxicated at the time of the sale, service, or furnishing of the alcohol;

 (2) at the time of the sale, service, or furnishing of the alcohol, the licensee knew or should have known that the individual would become intoxicated based on factors that would be obvious to a reasonable person including, but not limited to, the licensee’s knowledge of the number of alcoholic beverages served to the individual while on the licensee’s premises; and

 (3) the individual’s intoxication or the sale, service, or furnishing of the alcohol was a proximate cause of bodily injury, death, or property damage to the third party.

 (C) A licensee that sells, serves, or otherwise furnishes alcohol to an individual who is less than twenty‑one years old is civilly liable to a third party for actual or punitive damages arising out of the sale, service, or furnishing of alcohol to that individual if the individual’s intoxication or the sale, service, or furnishing of the alcohol was a proximate cause of bodily injury, death, or property damage to the third party.

 (D) A licensee that sells, serves, or otherwise furnishes alcohol to an individual who is less than twenty‑one years old is civilly liable to that individual for actual or punitive damages arising out of the sale, service, or furnishing of alcohol to that individual if the individual’s intoxication or the sale, service, or furnishing of the alcohol was a proximate cause of bodily injury, death, or property damage to the individual.

 (E) Upon the death of any party, the action or right of action authorized by this section will survive to or against the party’s personal representative.

Renumber sections to conform.

Amend title to conform.

LUKE RANKIN for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill provides that persons or entities licensed to sell alcoholic beverages that sell, serve, or otherwise furnish alcohol to an individual will only be civilly liable to a third party for actual or punitive damages arising out of the transaction under the following circumstances:

If the individual served is at least twenty-one and

the licensee knew or should have known the individual was visibly intoxicated at the time of the transaction; and

the individual’s intoxication was a proximate cause of bodily injury, death, or property damage to a third party; or

If the individual in under the age of twenty-one and

the individual’s intoxication was a proximate cause of bodily injury, death, or property damage to a third party.

This bill codifies a civil cause of action that is currently recognized in common law referred to as dram shop liability.

Judicial anticipates the codification of this cause of action may result in a slight increase in the number of actions filed in court. Judicial, the Commission on Prosecution Coordination, and the Commission on Indigent Defense, all indicate the potential increase in workload due to this bill can manage using existing staff and appropriations.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 15‑3‑710 SO AS TO PROVIDE THE BASIS FOR LIABILITY FOR A PERSON OR ESTABLISHMENT WHO ILLEGALLY FURNISHES ALCOHOL TO AN INDIVIDUAL WHO INJURES A THIRD PARTY BASED UPON WHAT THE FURNISHER KNEW OR SHOULD HAVE KNOWN UNDER THE CIRUCUMSTANCES; TO SPECIFY WHEN THE RIGHT OF ACTION IS NOT AVAILABLE; AND TO PROVIDE THE EVIDENTIARY STANDARD FOR THE VISIBLE INTOXICATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 3, Title 15 of the S.C. Code is amended by adding:

 Section 15‑3‑710. (A) As used in this section:

 (1) “Alcohol” means beer; wine; alcoholic liquors or alcoholic beverages as defined in Section 61‑6‑20; alcoholic liquor by the drink or alcoholic beverage by the drink as defined in Section 61‑6‑20; or any other type of alcoholic beverage that contains any amount of alcohol and is used as a beverage for human consumption.

 (2) “Licensee” means any person or entity licensed to sell alcohol by the State of South Carolina or any agency or department thereof.

 (3) “Visibly intoxicated” means an individual displayed visible signs and symptoms of intoxication that would have been obvious to a reasonable person.

 (B) A licensee that sells, serves, or otherwise furnishes alcohol to an individual who is at least twenty‑one years old shall only be civilly liable to a third party for actual or punitive damages arising out of the sale, service, or furnishing of alcohol to that individual if:

 (1) the licensee knew or should have known that the individual was visibly intoxicated at the time of the sale, service, or furnishing of the alcohol; and

 (2) the individual’s intoxication was a proximate cause of bodily injury, death, or property damage to the third party.

 (C) A licensee that sells, serves, or otherwise furnishes alcohol to an individual who is less than twenty‑one years old shall only be civilly liable to a third party for actual or punitive damages arising out of the sale, service, or furnishing of alcohol to that individual if the individual’s intoxication was a proximate cause of bodily injury, death, or property damage to the third party.

 (D) Upon the death of any party, the action or right of action authorized by this section will survive to or against the party’s personal representative.

SECTION 2. This act takes effect upon approval by the Governor.

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